

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DARREN DIONE AQUINO,

Plaintiff,

-against-

MEMORANDUM & ORDER
16-CV-6297 (JS) (GRB)

LEGAL AID SOCIETY OF NASSAU COUNTY,
NASSAU COUNTY DISTRICT COURT IN THE
STATE OF NEW YORK, JENNIFER MCNULTY,
MICHELLE DOWST, GEORGE TORRES,
BRIANA RIZZO, and JANE DOE and JOHN
DOE, in their official capacity as
counsel,

Defendants.

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APPEARANCES

For Plaintiff: Darren Dione Aquino, pro se
574 Junard Boulevard
West Hempstead, NY 11552

For Defendant:
Nassau County New York State Attorney General
District Court 200 Old Country Road, Suite 240
Mineola, NY 11501
By: Ralph Pernick, Esq.

All other
Defendants: No appearances.

SEYBERT, District Judge:

By Memorandum and Order ("M&O") dated January 31, 2017,
the Court denied the application of pro se plaintiff Darren Dione
Aquino ("Plaintiff") to proceed in forma pauperis without prejudice
and with leave to renew upon completion of the AO 239 in forma
pauperis application form annexed to the M&O. Plaintiff was
ordered to either remit the Court's \$400.00 filing fee or complete
and file the AO 239 in forma pauperis application form annexed to
the M&O within fourteen (14) days from the date of the M&O.

On February 10, 2017, Plaintiff timely filed an application to proceed in forma pauperis on the AO 240 form, however, it was incomplete and unsigned. Accordingly, by Memorandum and Order dated April 28, 2017 (the "April M&O"), the Court afforded Plaintiff one final opportunity to comply with the M&O and directed Plaintiff to either remit the Court's \$400.00 filing fee or complete and file the AO 239 in forma pauperis application form annexed to the April M&O within fourteen (14) days from the date of the April M&O. The April M&O "cautioned that a failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice." (See Docket Entry 15.)

To date, Plaintiff has not paid the \$400.00 filing fee, or completed the AO 239 in forma pauperis application, nor has Plaintiff otherwise communicated with the Court about this case. Accordingly, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: June 6, 2017
Central Islip, New York